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ENVIRONMENTAL ASSESSMENT BOARD

VOLUME: 395

DATE: Monday, August 17, 1992

BEFORE:

A. KOVEN Chairman

E. MARTEL Member



FOR HEARING UPDATES CALL (COLLECT CALLS ACCEPTED) (416) 963-1249

FARR
ASSOCIATES &
REPORTING INC.

(416) 482-3277

2300 Yonge St., Suite 709, Toronto, Canada M4P 1E4

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HEARING ON THE PROPOSAL BY THE MINISTRY OF
NATURAL RESOURCES FOR A CLASS ENVIRONMENTAL
ASSESSMENT FOR TIMBER MANAGEMENT ON CROWN LANDS
IN ONTARIO

IN THE MATTER of the Environmental
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental
Assessment for Timber Management on Crown
Lands in Ontario;

- and -

IN THE MATTER of a Notice by The Honourable
Jim Bradley, Minister of the Environment,
requiring the Environmental Assessment
Board to hold a hearing with respect to a
Class Environmental Assessment (No.
NR-AA-30) of an undertaking by the Ministry
of Natural Resources for the activity of
Timber Management on Crown Lands in
Ontario.

Hearing held at the Offices of the Ontario
Highway Transport Board, 10th Floor, 151 Bloor
Street West, Toronto, Ontario, on Monday, August
17th, 1992 commencing at 1:30 p.m.

VOLUME 395


BEFORE:

MRS. ANNE KOVEN
MR. ELIE MARTEL

Chairman
Member

A P P E A R A N C E S

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MS. K. MURPHY)	
MR. B. CAMPBELL)	
MS. J. SEABORN)	MINISTRY OF ENVIRONMENT
MS. N. GILLESPIE)	
MR. R. TUER, Q.C.)	ONTARIO FOREST INDUSTRY
MR. R. COSMAN)	ASSOCIATION and ONTARIO
MS. E. CRONK)	LUMBER MANUFACTURERS'
MR. P.R. CASSIDY)	ASSOCIATION
MR. D. HUNT)	
MR. R. BERAM		ENVIRONMENTAL ASSESSMENT BOARD
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DR. T. QUINNEY)	OF ANGLERS & HUNTERS
MR. D. O'LEARY		
MR. D. HUNTER)	NISHNAWBE-ASKI NATION
MR. M. BAEDER)	and WINDIGO TRIBAL COUNCIL
MS. M. SWENARCHUK)	FORESTS FOR TOMORROW
MR. R. LINDGREN)	
MR. D. COLBORNE)	GRAND COUNCIL TREATY #3
MR. G. KAKEWAY)	
MR. J. IRWIN		ONTARIO METIS & ABORIGINAL ASSOCIATION
MS. M. HALL		KIMBERLY-CLARK OF CANADA LIMITED and SPRUCE FALLS POWER & PAPER COMPANY



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MR. C. BRUNETTA	NORTHWESTERN ONTARIO TOURISM ASSOCIATION

I N D E X O F P R O C E E D I N G S

<u>Witness:</u>	<u>Page No.</u>
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I N D E X O F E X H I B I T S

<u>Exhibit No.</u>	<u>Description</u>	<u>Page No.</u>
2320	Written presentation by Mr. Bob Patterson.	67946
2321A	Handwritten chart of traditional words used to described footpaths and portage routes.	67964
2321B	Hand-drawn mapping of portages.	67967
2321C	Hand-drawn chart of 60-metre reserve width.	67974
2321D	Hand-drawn depiction of a good and bad example of road construction intersecting portages.	67983
2321E	Hand-drawn depiction of problem with grade separation at road crossings.	67985
2321F	Hand-drawn depiction of typical practice in road building regarding creation of roadbeds with grubbing.	67988
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1 ---Upon commencing at 1:30 p.m.

2 MADAM CHAIR: Good afternoon.

3 MR. BERAM: If it please the Board, Madam
4 Chair, I would just introduce what's happening so I can
5 catch everyone up on what's happened since the last
6 time the Board's met to receive evidence.

7 Mr. Dan King, on behalf Venture Tourism
8 Outfitters Association, has arrived in furtherance to
9 the Board's ruling on his application to present
10 further evidence out of time. With him are two
11 witnesses from the MNR which he will introduce to you.

12 And that's all that I have to say. At
13 this point I'll simply turn it over to Mr. King and let
14 the proceedings unfold as they may.

15 MADAM CHAIR: Good afternoon, Mr. King.

16 MR. KING: Good afternoon. Thank you
17 very much, Mr. Beram, and a special thanks to the Board
18 for this privilege of presenting this information to
19 you at this late a date. We're very grateful for this
20 opportunity.

21 I'll just begin with a few introductory
22 remarks and then I'll turn the floor over to my
23 witnesses for most of the afternoon and then we'll
24 cover some questions from the other lawyers.

25 Of course we're representing the Venture

1 Tourism Association, our group of tourism operators and
2 recreational canoe associations and, as Mr. Beram
3 suggested, we'll be having Bob Patterson from the MNR
4 office in Temagami as well as Craig MacDonald from the
5 MNR office in Algonquin Park as our witnesses this
6 afternoon.

7 And briefly I would like to discuss or to
8 suggest to the Board some of the reasons why I have
9 asked for this special occasion to call some special
10 witnesses outside of the regular hearing time.

11 I had a discussion with John McNicol of
12 Thunder Bay of the MNR and asked him why -- and he
13 asked me actually why we wanted to discuss witnesses
14 who would present material at a detailed level. He
15 indicated that in general much information relating to
16 tourism had already been covered and the focus of these
17 hearings was at a policy level so that we're covering
18 examples which would give value to the entire province.

19 And also he indicated that there had been
20 participation of the tourism industry in management
21 plan development at a local level in Thunder Bay, and
22 he indicated that this seemed to be proceeding well and
23 seemed to be working in his jurisdiction. He indicated
24 that there was local -- pardon me, that this forest
25 management seemed to be working well and there was

1 tourism protection in his local area.

2 Now, there had been local tourism
3 participation but there had been no participation of
4 wilderness recreation resource users based outside the
5 region, and this was something of concern to me that I
6 discussed with Mr. McNicol, and I'd like to present to
7 the Board a few concerns that are relevant to forest
8 planning in Ontario.

9 The problem with outside tourism users is
10 that they are individual economic units or businesses
11 and they are faced with the costs of either
12 participating in the use of the recreational resource
13 or faced with the costs of switching to an alternative,
14 an alternative resource that they could use.

15 And the tourism industry has some
16 particular items that affect it in a way that affects
17 this decision. It's generally a low margin industry
18 which employs quite a lot of people, it's more labour
19 intensive a business. There's low impact of the
20 business, low impact on the landscape, low capital
21 expenditures and it's very easy for them to switch
22 around different resources, but they have very high
23 costs of participating in the forest management
24 planning process.

25 These high costs include travel costs to

1 management planning meetings and, similarly, they also
2 have very little management time in their company.
3 They're usually small; two, three, four, sometimes
4 larger, but often very small units and management time
5 is very valuable and is at a premium.

6 So what we experience here is a lack of
7 participation of people who are forest users from
8 outside the region, and what you have is a gradual
9 degradation of local values which do not have users who
10 are locally based.

11 And, of course, the reason that this is a
12 concern to our association is that the users from
13 outside the region are usually the lowest, that is to
14 say, the tourist recreational users who come through
15 either by canoe or by other means, are usually the
16 lowest impact users, and the values which they consider
17 valuable as part of the tourism resource are not
18 considered in the forest management process.

19 So I would like to suggest to the Board
20 before we move on to the witnesses, a few of the
21 requirements that I hope we will get today, a few of
22 the requirements for the protection of tourism values
23 that might be useful in forest management in the
24 future.

25 In particular, the tourism industry is

1 looking for an opportunity to compete for access on an
2 equal basis with other industries, and this -- we would
3 like to see this participation considered in areas
4 where there is direct conflict between tourism and
5 other users like logging, where every tourism dollar is
6 worth \$40 dollars logging, and I presented this earlier
7 in my evidence on May 24th, and it was based on the
8 idea that logging is very intermittent, every 80 years
9 you get a harvest; whereas tourism dollars, though
10 they're small, they come every year as long as people
11 are interested in coming out and enjoying the country.

12 What we need -- what the tourism industry
13 needs is a theatre to demonstrate the benefits of
14 tourism. I had earlier suggested a ministry of lands
15 be formed where tourism and logging interests could
16 compete, however, that may be beyond the mandate of
17 this Board, so I respectfully suggest that some kind of
18 opportunity for the tourism industry to present the
19 value, the economic value that it produces within the
20 Ministry of Natural Resources, some theatre or forum
21 where this could be done.

22 As I indicated earlier in this forum, we
23 need to recognize the difference in value of tourism
24 dollars versus logging dollars, in a forum of the MNR.
25 We need to understand that the problem of the tourism

1 industry having to face the difficult choice of
2 switching to another site instead of working within the
3 process to ensure that the values of its resource is
4 sustained.

5 And because of this there is, I regret to
6 say, an absence of participation from the tourism
7 industry in the forest management hearings, forest
8 management plans that have been done in the past.
9 Although many tourism operators have represented
10 themselves at these planning sessions, I respectfully
11 suggest that there are many who have stayed away simply
12 because they have chosen to move to a different place.

13 And, because of that, where there is
14 demonstrated interest in the tourism industry in
15 staying active in an area, like Temagami and many other
16 areas, that these areas are likely to be areas where
17 there are strong tourism values that are worth
18 protecting.

19 Where tourism values have been
20 demonstrated, have been protected, I suggest that the
21 tourism guidelines that we have seen so far are
22 insufficient to maintain tourism and recreation values
23 over the long term and that, as an alternative, what is
24 needed is tourism protection requirements.

25 These requirements would be a mandatory

1 form of guideline and the guidelines -- as indicated,
2 the tourism guidelines that have been operating so far
3 have been indicated in the Baskerville report not to be
4 recorded, not to be -- well, the Baskerville report
5 discussed the game management guidelines, the moose
6 guidelines, and they found that these were not working
7 well in an area in Ministry of Natural Resources with
8 its decentralized management. And I suggest that we'll
9 have similar problems with the application of tourism
10 guidelines.

11 Pardon me, I'm just having a little
12 trouble with my display play. My apologies to the
13 lawyers, this monitor here is not working. Your
14 monitor is working fine?

15 MADAM CHAIR: Yes, it is, Mr. King.

16 MR. KING: You have sheets, so I'll just
17 call up the slides that we're on, I'll just check to
18 see that we have the slide number here. We are looking
19 at No. 114 on your list.

20 So what we're looking for for tourism
21 protection requirements -- the tourism protection
22 requirements which we're looking for will apply where
23 tourism is maintained in priority above other
24 tourism -- other land uses, including logging, and
25 we're looking to provide terms that are binding on the

1 MNR and the forest industry, and we ask the Board to
2 consider in future the possibility of procedures for
3 liability under mechanisms similar to those being
4 considered with the current environmental Bill of
5 Rights.

6 Now, initially binding tourism protection
7 requirements, the Board would be limited in that
8 anything that the Board -- any directives that the
9 Board gives would be required to be applicable across
10 the various regions and these guidelines or directives
11 would be limited by the state of the science.

12 How large buffer zones would have to be
13 depends on from region to region and as we learn more
14 about the nature of our ecosystems we may find that
15 larger or possibly smaller buffer zones would be
16 required.

17 There is need to change these guidelines
18 as the science develops but, all the same, we request
19 some form of binding protection on the operation -- all
20 tourism values on the operation of forest management in
21 Ontario.

22 Now, our expert witnesses - we're at
23 slide 132, gentlemen - our expert witnesses in
24 providing information to the Board on the protection of
25 tourism values, in many cases, will be describing

1 minimum requirements for protection, and it's advisable
2 to all of us to recognize that minimums may fail as
3 often as they succeed and that a margin of error is
4 required to assure protection of tourism values. And,
5 as I indicated earlier, science is changing and growing
6 and there is likely to be need to have room for
7 adjustments as things continue.

8 So I would like to introduce my witnesses
9 now, Bob Patterson will speak for 30 minutes and
10 present his information, followed by Craig MacDonald
11 who will take 90 minutes of the witness time.

12 Inbetween the two witnesses, if the
13 Ministry counsel agrees, I'd like to have questions of
14 clarification, but if we can hold detailed
15 cross-examination - we're very concerned that we get
16 all of our evidence forward without getting bogged down
17 in certain types of cross-examination - but at the end
18 I would like all of the witnesses to be available for
19 any questions that may wish to be made.

20 You may call forward the witnesses.

21 MADAM CHAIR: All right, fine. Good
22 afternoon, gentlemen. Do you wish to have your
23 evidence sworn or affirmed.

24 Mr. Beram, do we have a Bible here?

25 MR. BERAM: Yes, Madam Chair.

1 MADAM CHAIR: Thank you, gentlemen.

2 BOB PATTERSON,
3 CRAIG MacDONALD; Sworn.

4 MR. PATTERSON: I would like to introduce
5 myself, I'm Bob Patterson. I don't know if I'll be
6 taking 30 minutes time, but I have my presentation
7 here. Start off.

8 Good afternoon, Members of the
9 Environmental Assessment Board. As you know I have
10 been requested by Mr. Dan King -- we have a handout.

11 MR. FREIDIN: Mr. Patterson, just to
12 advise you, if you feel more comfortable sitting.

13 MR. PATTERSON: No, standing is fine.
14 (handed)

15 MR. FREIDIN: Okay.

16 MADAM CHAIR: Thank you, Mr Patterson.
17 Do you have extras? Could we have three copies.

18 MR. PATTERSON: Yeah.

19 MADAM CHAIR: We will give your written
20 statement Exhibit No. 2320.

21 MR. FREIDIN 1320, Madam Chair?

22 MADAM CHAIR: 2320, Mr. Freidin. You've
23 missed a thousand exhibits.

24 MR. FREIDIN: 2320.

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1 locations have been in northwestern, northcentral and
2 northeastern Ontario in Temagami.

3 I've been assigned responsibility in
4 programs such as lands, Crown land recreation, timber,
5 provincial parks and the Ontario ranger program. My
6 experience also includes some work in fish and wildlife
7 and fire management.

8 In the fall of 1980 I started working in
9 Temagami as a senior lands and parks technician, then
10 in 1983 I was reassigned to the outdoor recreation
11 program with the title of Parks Recreation Areas
12 Manager. I held this position up until June of this
13 year and now, through reorganization, have been
14 assigned the position of Senior Lands, Waters and Crown
15 Lands Recreation Technician for the Lady Evelyn area in
16 Temagami district.

17 For the most part my information today
18 will related to my Crown land recreation knowledge and
19 experience associated with work in the Temagami area.
20 Enough about my background, I'll begin on the first
21 topic protection of portages.

22 If your first objective is to provide for
23 vegetative buffer along the portage and then second a
24 buffer that maintains the aesthetics of the trail area,
25 then the following must be considered.

1 No. 1, establishment of appropriate
2 distances for your no-cut and/or modified reserve which
3 will be needed to maintain a wind firm buffer along the
4 portage. In developing this prescription there are a
5 number of points that need consideration and they are:
6 Existing vegetation, terrain, prevailing winds and the
7 type of logging proposed next to the portage.

8 My experience has been that 30-metre
9 no-cut reserves have not worked as successfully as
10 hoped and since early 1991 we've adopted for the
11 interim a minimum 30-metre no-cut plus an additional
12 30-metre modified reserve along a portage. I might add
13 here that at this time I don't have any information
14 that indicates the success of this approach. That's
15 not in the written part but I just add that.

16 In cases where forest access roads cross
17 a portage, we have worked with the following standards:
18 Roads cross at right angles keeping the route out of
19 the reserve as much as possible, building a narrow road
20 through the reserve, curving road entrances and exits
21 from the reserve and the use of minimal landfill
22 materials for the construction.

23 2. Maintaining the aesthetics of a
24 portage adds another dimension to the protection of
25 this resource. For the purpose of this presentation I

1 will be talking only about visual aesthetics.

2 If your objective is to ensure that while
3 travelling the portage you will not notice logging
4 operations next to the trail, then the reserves for
5 wind firmness may not, in all cases, provide adequate
6 protection. This tends to be the situation in areas of
7 older forests.

8 In reviewing on-site conditions of the
9 trail area you may need to do one or two things or a
10 combination of both in protecting visual aesthetics:
11 Extend your no-cut and modified reserves and develop a
12 timber harvesting prescription that leaves an
13 undisturbed looking viewscape beside the portage
14 reserve.

15 Next I will discuss the topic protection
16 of portages. In recent years, for the most part, we do
17 not seem to have experienced problems with the physical
18 protection of campsites --

19 MR. KING: I think you meant protection
20 of camp sites, you said protection of portages.

21 MR. PATTERSON: Sorry. Protection of
22 campsites. In recent years, for the most part, we do
23 not seem to have experienced problems with the physical
24 protection of campsites. I believe this to be as a
25 result of timber management efforts towards the

1 protection of aesthetic viewsapes along our lakes and
2 rivers. However, I would add that the reserve needs
3 around campsites should take into account sufficient
4 windfirm vegetation, enough reserve for pit privy
5 locations, firewood requirements and space for what I
6 would call campsite wandering.

7 Last but not least is the topic of
8 protection of scenic buffers along lakes and rivers.
9 If your objective is to maintain existing scenic
10 viewsapes along recreational waterways then on-site
11 factors similar to portage protection need to be
12 considered; i.e., ground and tree cover, terrain,
13 prevailing wind direction and proposed harvesting
14 method for the area.

15 One of the important tasks is the
16 establishment of viewscape boundaries. Once this has
17 been accomplished, then you're able to take action
18 necessary to maintain the viewscape.

19 These actions vary from implementing
20 no-cut reserves to no-cut modified reserves
21 combinations and/or developing timber harvesting
22 prescriptions like selective or shelterwood cutting
23 that maintains the existing viewscape.

24 My experience has been that there are no
25 cook book solutions to the establishment of reserves

1 for the protection of viewsapes. A standard reserve
2 like 60 metres will not always protect existing
3 viewsapes on lakes and rivers. On-ground field
4 checking, development of appropriate viewscape
5 management techniques and field marking are useful when
6 dealing with aesthetics.

7 I might add here, just before I make my
8 closing comment, that I've made reference on a number
9 of occasions to interim direction that we're doing in
10 Temagami, and just for the Board's information we're
11 presently under a special planning process called
12 comprehensive planning. I believe you received or had
13 a presentation by Dr. Roman ***Grazouski a while back,
14 if I'm not mistaken.

15 MADAM CHAIR: Yes, we did, Mr. Patterson.

16 MR. PATTERSON: Right. Now, that started
17 in 1989 and that process was to look at all the
18 resources at the same time; in other words, not just
19 forest management plans but also looking at fisheries,
20 wildlife, Crown land recreation, parks, land
21 management, mining. So we'll have one plan in Temagami
22 and it will have components of it dealing with each of
23 the resources.

24 So at the present time our interim
25 direction is we are trying to manage for basically the

1 three topics that I've listed. In the long term the
2 planning process will provide us with some direction on
3 how we should manage for the subject of viewscales,
4 portages and those tourism industry needs that Mr. King
5 is pointing out.

6 We've had -- the plan started in 1989 and
7 it was to be completed in '92, there's been one
8 extension to 1994. So when I make reference to interim
9 that is what I'm talking about in Temagami.

10 In closing, I hope that the information
11 I've provided today will assist the Board in its
12 efforts in dealing with the matter of timber management
13 in Ontario. I would be more than pleased to answer any
14 questions you have regarding my presentation.

15 MADAM CHAIR: Thank you, Mr. Patterson.

16 Will you have any questions for Mr.
17 Patterson, Mr. Freidin?

18 MR. FREIDIN: No.

19 MADAM CHAIR: Mr. King?

20 MR. KING: I would just like to ask Mr.
21 Patterson to elaborate on a few issues.

22 EXAMINATION BY MR. KING:

23 Q. You mentioned, For example, your
24 experience - I'm looking at page 2 now of your
25 presentation - that your experience with the 30-metre

1 no-cut reserves has not worked as successfully as you
2 had hoped.

3 Now, are you referring to your Temagami
4 experience or are you referring to other areas around
5 the province?

6 A. I'm dealing mainly with Temagami and
7 offhand I can think of four areas right now. I've
8 written down here, Snare Bay, Snare Lake. Snare Bay is
9 on --

10 MADAM CHAIR: Excuse me. Could you spell
11 that, Mr. Patterson.

12 THE WITNESS: Snare, S-n-a-r-e, Snare Bay
13 and Snare Lake, Animanipissing,
14 A-n-i-m-a-n-i-p-i-s-s-i-n-g.

15 MADAM CHAIR: Thank you.

16 THE WITNESS: And then Mountain Lake to
17 Breaches Lake and Sir Gibbon and Walsh Lake, and two
18 lakes just north of Diamond Lake which we don't have
19 names for them, they're just numbers, I can't remember
20 the numbers offhand. Those are four examples that I
21 can think of right now where we had a 30-metre no-cut
22 reserve and because of the reserve and others things
23 that it wasn't sustained.

24 MR. KING: Q. And what did the failure
25 look like? What would happen that would indicate the

1 system had failed?

2 A. Blowdown mostly, that's what we were
3 dealing with, and I think in one or two cases we had to
4 have a salvage operation go in to pull the trees out of
5 what was left of the remaining reserve, remove them
6 because people who came past it, people would --
7 because they couldn't get through would end up having
8 to wander off the portage and in some cases may have
9 gotten lost for short time periods but they got back
10 on.

11 Q. Sure. Now, you just described one of
12 the consequences to the tourism value of the area,
13 people getting lost.

14 How serious would these consequences on
15 the areas that you've just mentioned in terms of the
16 impact of somebody who, say, paid a reasonable amount
17 of money to come here to enjoy that particular area?

18 A. Well, I'm not sure in terms of
19 economics. Certainly part of our planning process that
20 we're into in Temagami is we've been gathering
21 information on the economics side of tourism, much of
22 the tourism that you're talking about in terms of being
23 able to send people to areas where in general you won't
24 see evidence of logging, and we've been trying to
25 gather economic information on that. I don't have any

1 facts.

2 Q. I didn't mean the economics, I meant
3 it more from a personal point of view.

4 A. Personal point of view.

5 Q. If somebody was to go there and
6 experience a blowdown instead of experiencing a forest
7 like they had been expecting.

8 A. Well, certainly that has been a
9 concern. If you are advertising that you're
10 maintaining your portages and you won't run into that
11 and you expect that experience and when you come and
12 then run into it, I'm sure that that will have a
13 negative impact on your experience of the area.

14 Q. On somebody that might be a paying
15 customer. And now later you described how you've
16 looked at an additional 30-metre modified reserve, so
17 we're looking at a 60-metre reserve along portages now,
18 but you have no information on whether that will work
19 right now?

20 A. No, I don't have any to date.

21 Q. No. Again, considering that the
22 portages are very a important part of canoe routes
23 because it's very -- in a sense, the canoe traffic
24 funnels through a portage going from one lake to
25 another lake.

1 I'm wondering how many of the area's
2 portages might be cut with the 60-metre portages and
3 whether further modifications might be needed.

4 I guess I'm speculating on consideration
5 of, say, another an additional 90-metre instead of
6 total 60-metre?

7 A. Well, at this point in time in
8 Temagami I can only say that we haven't -- the amount
9 of cutting that's going on - and this is just my
10 plight - there hasn't been a lot of cutting compared to
11 when I first arrived in Temagami which was in 1980, so
12 I'm not sure that we're -- that we aren't going to be
13 well connected to what we have in those cases. So
14 there isn't the same level of logging happening now
15 that there was in the 1980s.

16 Q. So Temagami is a special case then
17 where there is not a lot of logging going on in that
18 particular area?

19 A. Yeah, compared to what I was used to.

20 Q. But elsewhere in the province -- you
21 mention that Temagami is doing comprehensive planning.
22 Is that going on anywhere else in the province where
23 they're considering all --

24 A. I'm not aware, I'm not aware that
25 we're looking at all the resources at the same, like,

1 on a planning level where we're doing, like you do for
2 timber management and forest management plan, that
3 we're doing fisheries, wildlife, parks, Crown and
4 recreation type, like all at the same level for
5 planning purposes.

6 In other words, deciding before you
7 decide to tradeoff - I don't know if the right word is
8 tradeoff - but decide how you want to manage those
9 Crown land recreational resources you're looking at it
10 at the same time giving the public opportunity to
11 comment on the options we'll be presenting supposedly
12 next year on how they believe they should be managed.

13 I know there are fisheries plans, for
14 example, being done in the province in some areas, some
15 places.

16 Q. Sure. Okay. Now, you talked earlier
17 about protection of campsites. Now I'm on page 4 -- or
18 page 3 of your presentation, and you talked about the
19 physical protection of campsites and you talked about
20 some of the buffer areas.

21 Can you put down what the current
22 management -- do know what the current sort of buffer
23 zones that people are planning right now in that area?

24 A. In Temagami, you mean?

25 Q. Yeah, in -- well, the area where you

1 are familiar.

2 A. Well, for example, I made reference
3 to the fact that I believe that most of the campsites
4 are being protected for because at the present time in
5 the interim we are trying to manage for the aesthetic
6 viewscape, we're not -- we may not have any cutting on
7 recreational waterways, say a canoe route, in an area
8 near an allocation or within an allocation where we are
9 either not allowing cutting or we are having a no-cut
10 area plus a modified area where the cutting makes the
11 appearance of that viewscape look like - unless you had
12 a picture yesterday and today, before cut and after
13 cut, you wouldn't be able to tell, and those reserves
14 seem to be sufficient -- or that management seems to be
15 sufficient enough to include the campsite in many
16 areas.

17 Q. So managing for viewscales will
18 manage for campsite protection as well?

19 A. I don't know for sure but it seems to
20 be working that way.

21 Q. Okay. And finally you talked earlier
22 about modeling for viewscales. What's the outlook for
23 extensive modeling for viewscales in your region?

24 A. Well, part of because of the special
25 planning that we're doing in Temagami has been that -

1 and based on my experience since 1980 - certainly how
2 we manage those viewsapes along our many canoe routes
3 that we have in the area certainly, in my opinion,
4 seems to have been an issue with the individuals or
5 certain groups out there, that I have had personal
6 contact with.

7 At the present time we are trying to --
8 we are looking at developing computer models through
9 some field experience on trying to establish the
10 viewsapes around our, say, larger water bodies and our
11 river systems and to establish, if that is considered a
12 resource, a viewscape is a resource in terms of the
13 tourism industry, then before we start deciding on
14 impacting that resource, well, how much of it is there
15 out there; in other words, what kind of knowledge do we
16 have on it.

17 To field check all of that is an
18 impossible task and we're a small district. So we have
19 been -- we found one example called Red Squirrel Lake
20 and we've been working, I think we've got some
21 information back from Lakehead University and we've
22 been running it through Lakehead as a computer model
23 just to see how it compares to our field checking in
24 establishing that viewscape boundary, and right now I
25 believe our attempt in Temagami is to plug it into our

1 geographic information system GIS - you may have heard
2 that acronym before.

3 MADAM CHAIR: We've heard a great deal of
4 evidence about the GIS.

5 MR. PATTERSON: I'm not sure where it
6 sits right now but before we -- hopefully before we go
7 to the public I think we're hoping that internally we
8 will be able to run the models on a whole number of
9 lakes to see, when we talk about viewscape, if we are
10 looking at that as a resource for the tourism industry
11 then what would be the cost saving, for example, of
12 protecting all of it, because in doing that you impact
13 other things like logging, maybe other components of
14 tourism industry, maybe mining, so before you decide to
15 make a decision about that for the long term we are
16 trying to get a feel.

17 So we have also a planning -- a public
18 group called the comprehensive planning council which I
19 made reference to, so that they also have that
20 information and can certainly look at that information
21 before we start deciding about whether or not we are
22 going to manage for all of it or not, part of it, or
23 any of it, and those decisions are to be made through
24 the planning process, the comprehensive...

25 Q. So your experience with the viewscape

1 computer modeling has been positive?

2 A. It's been positive on the one example
3 that we looked at and that's the Red Squirrel Lake in
4 terms of what information it gave us.

5 Q. Okay. Well that's very good. Thank
6 you very much.

7 MR. KING: Thank you very much. The
8 remainder of our evidence will be taken up by Craig
9 MacDonald who will come forward. He has some files
10 here and he will taking the remaining hour and a half.

11 MADAM CHAIR: Hello, Mr. MacDonald.

12 MR. MacDONALD: Hello.

13 MADAM CHAIR: Are you comfortable
14 standing up. I notice Mr. Patterson did, but you can
15 probably sit too if you're more comfortable.

16 MR. MacDONALD: I'm normally at this time
17 of year in steel-toed boots and this is not my normal
18 garb, I normally have a helmet and mops chain saw, in
19 fact tomorrow I'll just be right back on a dozing
20 operation, so I'm very comfortable standing.

21 MADAM CHAIR: All right.

22 MR. MacDONALD: I guess what I've been
23 asked to do today is to talk about protection of these
24 items here, and maybe it would be useful for me to know
25 whether you're familiar with these three terms here

1 that I have on the board. Have you ever heard of these
2 words before?

3 MADAM CHAIR: Well, we have only heard
4 them I think in respect to some of the evidence by the
5 Bear Island group.

6 MR. MacDONALD: Bear Island.

7 MR. KING: Do you want to take an oath?

8 MR. MacDONALD: I already have.

9 MR. KING: Oh, you have.

10 MADAM CHAIR: Mr. MacDonald was sworn.

11 MR. MacDONALD: Well, maybe I should tell
12 you a little bit about my background. I've worked with
13 the Ministry of Natural Resources 20 years and I've
14 worked in many offices and I have been specialized in
15 canoe routes and this type of subject matter.

16 I am the co-author of the Ministry of
17 Natural Resources Canoe Routes of Ontario, and I have
18 written a number of publications for the Ministry and
19 also on the outside dealing with canoe route matters.

20 And my educational background, I have a
21 masters in fisheries. I worked for the California Fish
22 and Game and for Fisheries in the Province of Ontario
23 Ministry, but by and large in the last 20 years I have
24 focused on this area of outdoor recreation, and I'm
25 currently the outdoor recreation specialist in

1 Algonquin Park.

2 I worked 13 years at the Leslie M. Frost
3 Centre as the outdoor recreation specialist and my job
4 was to provide the recreation component of the Crown
5 land management that was done there. You're probably
6 familiar with the Frost Centre but the focus of the
7 management area there was to come up with innovative
8 solutions to try and integrate the recreation uses of
9 Crown land with those of forestry.

10 So it was a very interesting experience
11 and I hope to provide you with some of the information
12 that I gleaned from those experiences.

13 I wanted to talk about these items and I
14 wanted to just give you an idea of what these things
15 are. As you're probably aware before we had roads and
16 railway and aircraft --

17 MR. BERAM: I hesitate to interrupt, Mr.
18 MacDonald, but I wonder if the Board might assign an
19 exhibit number to the charts perhaps that Mr. MacDonald
20 is going to allude to at this point simply for --

21 MADAM CHAIR: All right. Why don't we
22 give them Exhibit No. 2321.

23 MR. BERAM: 2321, Madam Chair?

24 MADAM CHAIR: And we can mark them A, B,
25 C as we go through them, Mr. MacDonald. Thank you.

1 MR. MacDONALD: Sure, okay.

2 MR. BERAM: Thank you, Madam Chair.

3 ---EXHIBIT NO. 2321A: Handwritten chart of traditional
4 words used to described footpaths
and portage routes.

5 MR. MacDONALD: Before we got into the
6 modern era and some areas of Ontario are still getting
7 into the modern era, the way people travelled through
8 the land, of course, is by waterways and waterways were
9 used all year round not just the summer canoeing
10 phenomenon, they were used during breakup and during
11 the winter.

12 And normally what you would have during
13 the open water season is people travelling around the
14 countryside by canoe and paddle, and then later on
15 during breakup they would used what's called a canoe
16 sled and some areas it's still done, where you put a
17 canoe on a sled and you travel sort of in the inbetween
18 season, and then as the waterways freeze up and become
19 safe they switch to sleighs and toboggans and
20 snowshoes - nowadays it's done with the snowmobile.

21 And we call these routes of travel on
22 Crown land or any land, the traditional words is
23 Nastawgan. There's no equivalent -- why I'm using
24 these terms, is there is no equivalent word in English.
25 They're like -- I guess the best way to describe it is

1 the traditional travel routes using waterways, that
2 would be the best way.

3 And there are two components, two land
4 basis components of the system. The first is called
5 Oniggum and Onniggum is -- the equivalent of that in
6 English would be a portage, and a portage is designed
7 for people picking up their canoes and walking across a
8 footpath to another area of navigable or canoeable
9 water.

10 Oniggum are also used in the wintertime
11 as connecting links between lakes, but we also have a
12 second component -- or a third component because I've
13 got them numbered here called Bonkanah, and these
14 trails on Crown land are only used in the wintertime.

15 What I've done here, just to make this
16 thing a little bit more intelligible, is I've drawn a
17 hypothetical, theoretical example of a typical part of
18 northern Ontario, a chain of lakes and rivers and to
19 give you some sort of concept of these various
20 components.

21 So the whole system, the way you would
22 travel through the land, because the waterways are
23 obviously the easy way to travel before we had -- blast
24 out roads and use the aircraft; we have these little
25 short connectors between the lakes, these footpaths,

1 where you would carry your canoe across and they're
2 called Oniggum, useful summer and winter.

3 But in the wintertime you have special
4 problems. In the winter we have to think about safety,
5 ice safety. A lot of places, narrows and lakes don't
6 freeze properly and you can't just walk anywhere that
7 you paddle in the summertime. Sometimes these rivers
8 of course don't freeze, freeze over, so another
9 additional set of trails have to be used often to
10 circumvent these areas of weak ice.

11 So what I've shown here is one lake with
12 a narrows where this would be dangerous ice in here and
13 we would have another trail established across that
14 point to circumvent that ice.

15 Similarly down here, maybe there's a lot
16 of flow on this part of the river and these winter
17 trails, Bonkanah, are used to circumvent or even
18 short-cut sections of the summer route and often they
19 constitute trails that will often utilize low areas,
20 often muskeg, areas that are not really for the most
21 part suitable for forestry purposes.

22 Sometimes Bonkanah can be simply
23 extensions to the summer portage trail, okay, they can
24 be maybe the bottom of the portage trail when you get
25 to it in the wintertime it's open water, so you would

1 have this extension that would go down river that would
2 allow people to circumvent this weak ice and get down
3 to the ice further down. So that's in a nutshell what
4 we're going to be talking about today.

5 Now, although I've shown on this diagram
6 quite a bit of green, these Bonkanah, in many cases
7 where I've done studies of this in the province,
8 represent possibly anywhere from about -- well, for
9 every 20 miles of Oniggum you would have possibly one
10 to three miles of winter route, Bonkanah. So they're
11 not that common and they're used only where they're
12 necessary, otherwise the other system has sufficed.

13 So what I'm going to talk about now is --

14 MADAM CHAIR: Excuse me, Mr. MacDonald--

15 MR. MacDONALD: Sure.

16 MADAM CHAIR: The flip chart you were
17 talking about a moment ago, we will give it the number
18 Exhibit 2321B, and this is your mapping of portages.

19 MR. MacDONALD: Yeah.

20 ---EXHIBIT NO. 2321B: Hand-drawn mapping of portages.

21 MR. MacDONALD: Maybe I could talk a
22 little bit about the characteristics of these trails.

23 What we have in these particular places,
24 if you go out into the bush and look at these there are
25 differences. For example, the summer trails they will

1 have a solid treadway and the curves will be designed
2 so you can get a canoe through, the corners are
3 designed so they're not sharp so you can carry a canoe
4 on your shoulders and get through them.

5 The winter trails are characterized by no
6 solid treadway, no solid footpath, often they go
7 through terrible swamps, but what they're really
8 looking for is lack of sidehill because it's very
9 difficult to go through in the wintertime on sidehill,
10 so they tend to have a flat surface for travelling.

11 Another characteristic of the winter
12 trail is that they're cut, the brush, very much higher
13 because you might have, let's say, two or three feet of
14 snow, so you're up higher and also you have snow on the
15 branches, so the branches tend to bend down, so they
16 tend to be cleared out much much higher than are the
17 Oniggum.

18 What these portages are made out, the
19 criteria, these portages have been around for a long,
20 long time. They are some of the oldest pieces of
21 characters that we have here in Ontario, they're
22 thousands of years old and over that period of time
23 their position has become fixed in many cases to these
24 factors: directnesss, gradient and footing. These are
25 the most factors. And where they are located now has

1 been developed over thousands of years. They have been
2 evolved to good positions a lot of them, not all of
3 them, but a lot of them have become fixed in location,
4 and when they are shifted off these locations you're
5 going to lessen the optimal route.

6 In other words, they're very specific,
7 there's a very specific number of these things and
8 they're not easily altered. Like, you can't blast out
9 rock and dig canals if you have a problem on these
10 trails. They're something that -- they're just not
11 wandering all over the place, they're direct and
12 they're set up on these various values.

13 The need for protecting these trails has
14 long been recognized and if you're familiar with the
15 Public Lands Act, around the turn of the century
16 through 67(4) of the Public Lands Act it specifically
17 deals with the protection of portages, and under that,
18 where portages exist, are have known to exist, right of
19 access is guaranteed. And this is the case even if the
20 land over which the portage exists has gone into
21 private ownership. If it can be proven that portage
22 has existed, it's like an easement over private land.
23 So legislation is very strong on that regard.

24 Now, recently the Public Lands Act has
25 been amended and it's no longer 67(4) they've changed

1 the numbers, I just can't tell you right at the moment
2 what the new number is, but the actual portion of the
3 Public Lands Act dealing with this has not changed, the
4 wording is the same.

5 And it's interesting to note that
6 associated with this there is a statement to the effect
7 that this access is guaranteed and that people that try
8 to block the public from using these things or put up
9 physical barriers, say put logging slash over them or
10 try to fell trees on them and block people from using
11 them, can be subject under the Act to a fine. So
12 that's the legislative base that we have at the moment.

13 Now, back in the 30s Frank McDougall who
14 was the parks superintendent of Algonquin Park and
15 eventually the Deputy Minister of Lands and Forest,
16 recognized that there was a need for more positive
17 action to protect portages. So back in the late 30s,
18 1938 if I recall, he came up with this concept of
19 buffers. This is where this stuff all came from.

20 And at that time in Algonquin Park he
21 came up with the idea of establishing 200-foot buffers
22 on each side of the portage path and by and large it
23 was very successful, this policy that the Lands and
24 Forest adopted was very successful in trying to balance
25 the needs of recreationalists with those of the needs

1 of forestry.

2 And in the late 40s and into the 50s this
3 policy of providing buffers on portages was widely
4 adopted through the Province of Ontario. What I'd like
5 to talk about in regards to this protection, of what
6 has happened more recently in the late 70s and 80s.
7 1980s and on to the 90s.

8 The business of: Well, how much buffer
9 do you really need to protect the portages. Well, as I
10 said, originally they were set -- the first ones came
11 out were at 200 feet which comes out - if you want to
12 metrify that - that's around 66 metres, and in some
13 areas, as you've heard from Bob, including my own area
14 that I was working at in the time, in the 70s and in
15 the early 80s, we decided to see if we could drop them
16 down to a less amount of 30 metres and basically I'm
17 here today to tell you of my experiences with these
18 reduced buffers and what has happened.

19 It's my opinion, and I've looked at a lot
20 of trails, hundreds and hundreds of these things and I
21 was personally responsible for the management of and
22 cutting of over a hundred of them in the Frost Centre
23 alone, that this -- I believe that 60 metres is the
24 appropriate buffer. When you drop them down to 30
25 metres, my experience has been the same with the Bob,

1 you run into problems.

2 And these problems are the result of the
3 fact that your forest canopy in many areas is around --
4 the total height of the trees is around 70 feet and
5 what you're really doing is, when you cut them back,
6 you're cutting them back to a certain number of tree
7 lengths, and if this is your portage trail here and you
8 cut close to your portage, you're eventually going to
9 get to the point when you're cutting your trees outside
10 your buffer the trees are going to fall into the trail
11 and if you're dealing with selection areas like I deal
12 with now, you're talking about -- in hardwoods, if a
13 tree falls down on the trail - I'm talking strictly of
14 the maintenance point of view for MNR - to cut a top
15 off a trail takes me, a large top takes me about 20
16 minutes to half an hour of hard cutting. And I can
17 guarantee that if a tree falls right people just can't
18 get through the trail easily, they have to circumvent
19 the thing, the thing is quite a pest, you know.

20 So you're talking about a lot of hard
21 labour to maintain these things. And what we have is,
22 when we pull the buffer zones in too close is we have a
23 problem of a domino effect. As you're probably aware,
24 particularly in hardwoods, the trees tend to be
25 lopsided, they tend to lean, they're not as straight as

1 conifers, and they can't be felled in any direction,
2 often you have to fell them in toward the portage, and
3 in logging operations and you get a domino effect, one
4 tree will sometimes crash into another tree which will
5 crash into another tree and you will have as many as
6 three trees go down and we have observed this on the
7 Frost Centre management area.

8 So what I am saying is that these buffers
9 are sensitive to this. You have to keep back a certain
10 distance or the logging definitely impacts on the
11 portage.

12 Another problem we get sometimes,
13 particularly when - and it happens very innocently -
14 but when the nature of the tree marking where we're
15 marking trees sometimes it just happens that in a very
16 small area we can drop below 80 square feet, vehicle
17 area; in other words, a fairly heavy cut where we can
18 somehow, just the way the marking goes, we can get a
19 little bit of an open area and we get scalding of the
20 trees and we get dieback and right around some of these
21 openings we get the trees dropping and then dropping on
22 the portages. So that's another thing that I noted.

23 In the case of -- that's Exhibit 2321C.

24 In the case of clearcuts close to
25 portages --

1 MADAM CHAIR: Thank you, Mr. MacDonald.
2 That chart to which you've spoken of the subject of a
3 60-metre reserve width will be Exhibit 2321C.

4 ---EXHIBIT NO. 2321C: Hand-drawn chart of 60-metre
5 reserve width.

6 MR. MacDONALD: My experience has been on
7 clearcuts we have another issue which is not as severe
8 in the business of the selection cuts and that, of
9 course, is the issue that Bob referred to, this
10 windfastness, and I personally am familiar with some of
11 the examples he gave you, in fact I personally cut into
12 one, I had cleared it in the winter time, the Breaches
13 Mountain Lake portage.

14 And what happens, of course, in that is
15 that when they're more open the wind has more force and
16 certain tree species will go over very quickly. And
17 there's tremendous labour. The portages can be
18 physically blocked so you can't get through, there can
19 be dozens and dozens of trees falling across the trail
20 which makes passage almost impossible without clearing.

21 So in the case of blowdowns when we get
22 them through these logging operations they make
23 tremendous expense for the Ministry to clear them and
24 they also make it very difficult for the tourists that
25 are coming through with the canoes before we've had a

1 chance to get out there and clear them.

2 Another thing that I'd like to draw your
3 attention to, which we are constantly aware of because
4 we are maintainers of these trails, is the concept of
5 close canopy cutting.

6 What we try to do when we have a portage
7 is we try to maintain as much overhead canopy as we
8 can, forest canopy. As soon as we open the forest
9 canopy up we have a tremendous resurgence of brush and
10 this is extremely costly to maintain because obviously
11 we can't use our chain saws to clear it, we have to use
12 hand tools, we have to use long handled pruners, we're
13 into power brush saws, and anybody that's spent time on
14 a power brush saw knows that the average man, average
15 strength is only good for a couple of hours on those
16 things and he had to tradeoff, it's very brutal work.

17 And another method that we use to
18 maintain the trails when we get into these brushy
19 situations is we use cythes with what we call very
20 short, strong, heavy duty brush blades and we actually
21 have to plough the trails to clear them out.

22 If we don't clear them all, this brush is
23 so thick you're literally ploughing through the trail
24 even where there's a treadway the brush grows in over
25 the trail, particularly in wet conditions, they're very

1 difficult and unpleasant to get through. So
2 maintaining the trail when we have overhead canopy loss
3 becomes very expensive.

4 So the key, when we maintain these
5 trails, of cutting the trees is to try as much as
6 possible to keep the stand as mature as we can with
7 that shade tree and keep the trail shaded and it
8 greatly reduces our portage cost of maintenance.

9 The types of growth that we get when we
10 open up the forests in these areas are things like
11 beaked hazel, hobblebush, mountain maple, the viburnums
12 and the dogwoods. Those are our chief enemies and it's
13 very, very hard work because you're trying to cut
14 thousands of stems, literally thousands of stems will
15 grow in an area, will just invade very, very quickly.

16 MADAM CHAIR: Excuse me, Mr. MacDonald.

17 MR. MacDONALD: Yes.

18 MADAM CHAIR: Hundreds of years ago when
19 these trails were being used, there was no need to keep
20 them clear because they were used more frequently.

21 MR. MacDONALD: No, clearing was always
22 necessary to some degree. What would happen in the old
23 days, you mean in the times of the stone axes.

24 MADAM CHAIR: Yes. You said these trails
25 have been used for hundreds or even thousands of years?

1 MR. MacDONALD: Right, okay. What would
2 happen there is, of course, there were times when it
3 was difficult, like if a forest fire come through an
4 area and burnt the timber and these trails become very,
5 very difficult to traverse and a lot of work would have
6 to be done in clearing off the trails, physically
7 removing stuff as best they could.

8 Some of the stuff, if it was branches,
9 they would try to lop off branches on the tree and get
10 over them that way, try to physically remove stuff.

11 A lot of people think that nothing
12 happened on portages before Europeans came, but this is
13 a very mistaken concept. For example, we know from
14 archaeological work done in places like Holland
15 Landing, we have looked at corduroys in swamp areas
16 where Native people have built these corduroys which
17 they call Metigomeekanah, and by dating them we have
18 found these things in excess - the one at Holland
19 Landing is 700 years old, long before white man was
20 here.

21 So, yes, native people were in marking
22 trails, they're into clearing them to the extent that
23 was required to get their equipment through.

24 MR. MARTEL: What happens - and
25 forgetting about portages for a moment - but when we

1 use clearcutting and someone has a trap line that grows
2 in, these same situations would occur then; would it
3 not, you would have intensive growth?

4 MR. MacDONALD: Yes.

5 MR. MARTEL: Tremendous labour for the
6 trapper--

7 MR. MacDONALD: Yes.

8 MR. MARTEL: --to go back and try to open
9 up the area or resume his trapline?

10 MR. MacDONALD: Yes. There are pluses
11 and minuses to all of this. The trappers in some cases
12 welcome changes in vegetative condition depending
13 what -- certain animals provide certain vegetative
14 conditions, but as far as the transportation goes in
15 areas that have been damaged what will happen is if
16 it's a winter -- early winter trapline, often what will
17 happen is the trappers will abandon the use of the
18 waterways for a period and/or go to the logging roads
19 that have been created and snowmobile them for a while
20 until they grow in.

21 But in many areas we will have complaints
22 from the trappers about the condition of the portage
23 systems and the trapline trails after a logging
24 operation has gone through. So it's very difficult to
25 talk to you in generalities but, yes, it does have a

1 profound impact on them as well.

2 Some areas I know of trappers where we've
3 had locations, what they have done, of course, is
4 instead of using the waterways they will switch to the
5 truck and then snowmobile in on the new road systems
6 that have been created, that's usually the pattern, and
7 then when they get brushed in and the trapper alone can
8 no longer maintain that, they will switch back to the
9 waterways. They have to always use some of the
10 waterways, of course, for beaver and that, so their
11 whole way demands the trapline can't change as a result
12 of the logging operation.

13 What I would like to talk about now is
14 the three general areas that I feel that we could look
15 at in terms of problems that we've had in the areas
16 that I've worked in, and I think these would apply
17 generally across the province.

18 The first area would be -- first is in
19 portage identification. We have many of these, we have
20 many bodies of water in Ontario and we have a small
21 staff, we have limited funds and hopefully, I think by
22 and large, we're doing the best job that we can, given
23 the human resources that we have got. I don't know
24 it's going to be too much better in the future, but we
25 still, in many areas, have not done in my opinion our

1 full homework.

2 Now, areas like Temagami where it's been
3 looked at very intensively are in much better shape. A
4 lot of our major provincial parks, of course, have been
5 looked at very closely, but on Crown lands there are
6 some areas that, in my opinion, have fallen through the
7 cracks basically because of lack of manpower and what I
8 mean by that is this, is a one-time deal, but at some
9 point somebody's going to have to sit down and say:
10 What are the portage resources of our management area
11 in detail.

12 And to answer those types of questions we
13 have to have people that are willing to spend or can
14 spend the time in doing document searches, they have to
15 look at T plans, they have to look at M plans they have
16 to look at the GSC records, the geological survey of
17 Canada records, they have to look back at old Ontario
18 forestry branch plans where, of course, in the old days
19 our forest rangers maintained portages for fire patrol
20 purposes and gradually in modern types that's dropped
21 away.

22 We've got to reinvent the wheel, find out
23 where we were maintaining in the past. We don't
24 necessarily nowadays have good knowledge of what went
25 on back in the 30s, where these trails exactly were.

1 So there's a problem of identification.
2 There's the time to spend with the trappers, consult
3 with the trappers, where are these trails, could you
4 tell us where, talking to the recreationalists. So
5 there's the problem of identification, a thorough
6 identification of all the possibilities, all the sites
7 within the specific management area.

8 In some cases we've fallen down at this
9 process. The logging operations have proceeded as
10 thorough checking and we have run into problems.

11 The next area that we've run into
12 problems occasionally is the planning, making sure that
13 we have proper prescriptions to protect these things
14 from logging, proper buffer setbacks, proper provisions
15 in the various agreements with the logging companies
16 with regard to skidding on portages, no skidding on
17 portages, not leaving tops within the reserves,
18 limiting the number of skid trail crossings to a
19 minimum, making sure that those skid trail crossings
20 are at right angles. All those types of things.

21 And in the case of roads, the types of
22 things that Bob Patterson was talking about, making
23 sure that road crossings, where at all possible, are at
24 90 degrees to the portage.

25 And here I've given you an example of a

1 road crossing a portage trail, and you can see the
2 problem here where we have a winding trail, portage
3 trail, maybe there's a gully off to this side, maybe
4 that's why it's going around, why it's going around
5 like this. But in this case example, here's a not so
6 good way to put a road across a portage, and here's a
7 very much better way.

8 And you can see in this case what we have
9 is a right angle crossing of the trail. In this case
10 where we don't and it comes in obliquely what we have
11 is a very severe offset. The portage trail comes out
12 and the poor canoeist doesn't know where the portage
13 has gone. The portage -- well, there's no trail on the
14 other side of the road, well is it to the left or is it
15 to the right.

16 So we have to get into the business of
17 putting up signs and we have the business of forcing
18 the people out to walk along the road and then back
19 into the woods. And this isn't particularly a good
20 situation, particularly when we have active hauling
21 operations on, when people are trying to walk down the
22 road. There's big equipment going down the road, it's
23 a safety problem as well as an aesthetic one. So
24 that's an idea of the types of things that has ast to
25 be built into a planning process.

1 Another type of --

2 MADAM CHAIR: Excuse me, Mr. MacDonald.

3 MR. MacDONALD: Number.

4 MADAM CHAIR: Yes, please. We'll label
5 that flip chart page Exhibit 2321D.

6 MR. MacDONALD: D.

7 MADAM CHAIR: D. Showing a good and bad
8 example of road construction intersecting portages.

9 ---EXHIBIT NO. 2321D: Hand-drawn depiction of a good
10 and bad example of road
11 construction intersecting
12 portages.

12 MR. MacDONALD: Another problem that we
13 are faced with in road construction is the business of
14 uneven terrain, and obviously when you're road building
15 you have to sometimes fill the dips, the hollows with
16 fill and, unfortunately, sometimes because portages are
17 generally located along water bodies or between creeks
18 between lakes, they tend to follow in some cases low
19 areas, and we will often run into this situation where
20 we get a great separation where we have a trail and you
21 can have this tremendous road fill here where the
22 roadbed has to be built up.

23 See here's a culvert, a little creek and
24 a portage going along the creek, and we have this type
25 of a problem. And in some cases these roads can be

1 built up 20 feet so that your portaging along and all
2 of a sudden the trail ends in a 20-foot wall of gravel.
3 Well, what do you you know. So often these types of
4 situations cannot be totally avoided, but I think that
5 the solution is to devise this planning to the point
6 where we can specify: Well, look we are going to have
7 a problem with this particular road crossing, why don't
8 you -- as a contractor, can you put in a little bit of
9 a ramp, just a little bit of a ramp so that that
10 footpath can go up on an easier grade up and over the
11 road.

12 So it's just a matter of getting the
13 dozer and pushing out a bit of material and building
14 around being sensitive to the needs of the
15 recreationalist using his canoe.

16 These are just a few of the examples that
17 can be followed that make it a lot easier, make life a
18 lot more compatible between the recreationalist and the
19 logging concerns.

20 MADAM CHAIR: For the record, Mr.
21 MacDonald, we will put Exhibit No. 2321E on your flip
22 chart illustrating the problem of --

23 MR. MacDONALD: Grade separation, road
24 crossings.

25 MADAM CHAIR: Thank you.

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1 pass through okay. This all grows up in everything
2 from raspberries to willows, to whatever.

3 MR. MARTEL: You said don't grub it out
4 though. What would happen when you come to -- once you
5 pass this little area, then you go back to a regular
6 roadway?

7 Wouldn't the water -- how would the water
8 get around that little area then? I mean, if you've
9 made a little bit of a trench on both sides and you
10 come to where the -- unless you put a culvert in on
11 each side, how would you have the water flow?

12 MR. MacDONALD: Well, you would have to
13 get a logging culvert. If it was on the crown of a
14 hill you wouldn't have to worry about it, but if there
15 was -- if they were channels water it were on the side
16 of a hill, what you would have to do is put in a little
17 bit of a culvert to pass it.

18 MR. MARTEL: All right.

19 MR. MacDONALD: But I think it's
20 important that this be done in the immediate vicinity
21 of the portage because if you don't do this you get
22 this tremendous growth and you find yourself into some
23 very difficult travel.

24 Incidentally, if you're interested in
25 going out in the bush and seeing these things, because

1 it's very difficult for me to explain this other than
2 by these diagrams, and see what a dramatic difference
3 this makes, because there are many cases where I can
4 show you where this has been done. It makes a
5 tremendous improvement on the whole business of portage
6 crossing, and I can show you where it's not been done
7 and you can see what sort of difficulty. It can be
8 positively dangerous to carry a canoe through some of
9 these things when they grow up.

10 MADAM CHAIR: In the past four years we
11 have been on a number of site visits, Mr. MacDonald,
12 and have seen various road construction projects in
13 Algonquin Park, particularly we saw examples of portage
14 features of road building.

15 MR. MacDONALD: Sure.

16 MADAM CHAIR: And timber management
17 operations related to portages.

18 MR. MacDONALD: So you know this
19 particular thing I'm talking about and what the
20 difference is.

21 MADAM CHAIR: I can't tell you that I
22 remember completely standing at a roadbed and saying
23 that it's narrows here and grubbing did not take place,
24 but it comes alive for us because we have spent a great
25 deal of time in the bush and have inspected many

1 different sites.

2 MR. MacDONALD: Well, in that case I will
3 drive on--

4 MADAM CHAIR: That will be Exhibit 2321F.

5 ---EXHIBIT NO. 2321F: Hand-drawn depiction of typical
6 practice in road building
7 regarding creation of roadbeds
with grubbing.

8 MR. MacDONALD: --to talk about an
9 entirely different topic. Very fortunately much of --
10 many of the campsites that we have along shorelines in
11 Ontario are placed on points of land, they are
12 attractive areas, we won't get into why they are there
13 but that is where most of them are. And this has
14 actually been a bit of a saving grace in some ways with
15 regard to providing suitable buffers for campsites
16 close by forest operations.

17 However, where we run into a problem is
18 on campsites that are established on flatter shores,
19 and I'm just going to talk here a little bit about the
20 requirements of the forest from a recreational point of
21 view.

22 Through studies that have been done on
23 islands -- I'll even back up further. Recreational
24 canoe camping, and we've done surveys on this, I've run
25 surveys myself and we have found that the camp fire is

1 a quintessential part of camping, that we have asked
2 people: Well, would they go camping without a camp
3 fire, and the answer seems that they're willing to
4 bring their little gas burners and all the rest of it
5 but by and large the vast majority of people still want
6 the camp fire experience and some people, of course,
7 need the camp fire experience to prepare food, cook
8 food.

9 And what this means is that we have to
10 have a supply of firewood within the immediate vicinity
11 of the campsite and, unlike heating your home with fuel
12 wood where you go out and you cut the wood and you
13 split it up and you dry it over a period of two or
14 three months and then you burn it, campers don't have
15 this luxury, they come on to the site, there's no
16 firewood provided, it's Crown land camping.

17 What they need to produce a fire is dead
18 standing wood and the word for that is chico, they're
19 looking for these dead standing trees without bark or
20 they're looking for dead branches on softwood trees to
21 make camp fires. And the problem is that that type of
22 wood does not exist in the young forests, the forests
23 that are the size of Christmas trees are barren of that
24 type of resource. What we're looking for for the
25 camper is mature/overmature timber. We're trying to

1 get the most mature that we can get and that has a much
2 higher level of this type of wood.

3 What we've found from these studies on
4 islands where we have fixed acreages we know people
5 don't, you know, they're totally surrounded by water,
6 we know that if the islands are less than an acre in
7 size they cannot sustain camping. What happens is this
8 quest for fuelwood takes on the dimension that people
9 start to totally exhaust the area of dry firewood and
10 start whacking away at the green vegetation and
11 damaging the campsites.

12 So from this experience on islands we
13 know that if we're going to sustain camping on these
14 sites without damage to the vegetation and keep them
15 attractive we have to have an acre of mature/overmature
16 timber to sustain this fuelwood supply.

17 And, as I mentioned a little bit earlier,
18 on our traditional shoreline reserves, our no-cut zones
19 on a point -- a campsite on a point is usually not a
20 problem because we can develop the acreage without
21 really -- there are other concerns related to the lake
22 that would take precedence and there would be no change
23 in the way we would do business with regard to the
24 forestry.

25 But in the case of campsites that are on

1 flatter shorelines we have got to give serious
2 consideration of arcing back some additional ground to
3 produce this firewood. And I'm suggesting that this
4 arc should be around 90 metres, and this is based on
5 achieving an acre of land around the campsite for
6 fuelwood production.

7 This type of management I'm very familiar
8 with. Back -- I was involved in the Frost Centre land
9 use plan and we specified this type of management for
10 our 120 campsites in the Frost Centre management area
11 of Crown land and this worked very successfully.

12 The other consideration with regard to
13 this buffer around the campsites from a management
14 point of view is the sanitation. We're faced with the
15 task of trying to provide sanitary facilities on often
16 very thin rocky soils and the Ministry of Environment
17 wants us to set these things well away from water.

18 And water policies have come up with the
19 minimum standard of a hundred feet. So you can see
20 that if we have rocky barren areas back of our
21 campsites, often we'll have to offset them to one side,
22 our privy location. If we put them a hundred feet back
23 we can literally put them -- sometimes if we have
24 difficulty we can put them right out of a zone of
25 protection. So that's another consideration.

1 But by and large I can tell you that the
2 general rule are these type of situations where there's
3 no impact but we do have flatter shorelines and we have
4 to ensure that we do have that type of protection.

5 The final topic that I was asked to talk
6 about is scenic buffers.

7 MADAM CHAIR: Excuse me.

8 MR. MacDONALD: That will be H.

9 MADAM CHAIR: Yes. The flip chart
10 discussing the protection of shoreline campsites was
11 Exhibit 2321G, and we're now turning to Exhibit 2321H
12 on the topic of skyline reserves.

13 ---EXHIBIT NO. 2321G: Hand-drawn depiction of
14 protection of shoreline
campsites.

15 ---EXHIBIT NO. 2321H: Hand-drawn depiction of skyline
16 reserves.

17 MR. MacDONALD: Okay.

18 I don't want to say too much about the
19 skyline reserve business except for the fact that the
20 concept of skyline reserves has been around for a long
21 time. Of course we had the concept of a skyline
22 reserve on Lake Temagami dating from a long time ago,
23 but I was in the Frost centre management area and I was
24 the one that was responsible for actually developing
25 the methodology for doing these things on the ground

1 and I did this in the late 1970s.

2 And, in my case, what happened was that
3 the boss decided that we were to be innovative and the
4 forester who was my boss said: Mr. MacDonald, we want
5 you to - he didn't exactly use those words - but he
6 said go out and do one. So what -- his idea - it was
7 his idea, I don't stand -- I don't want to take the
8 credit for it.

9 But he decided that there were a couple
10 of pristine lakes within the Frost Centre that were
11 worthy of special protection, and what I mean by
12 pristine is that in the Frost Centre we have a mix of
13 where some lakes have cottages on them where we have
14 patent lands here and there along the shoreline and
15 then other lakes where there's no cottages.

16 Well, on two of these lakes, these
17 so-called pristine lakes which do in fact have very
18 high recreational potential and are very popular lakes
19 through the land use plan they were designated, and
20 this was accepted, that these lakes be identified for
21 having skyline reserves. So my job was to go out and
22 figure out a method whereby we could mark these skyline
23 reserves on the ground.

24 Now, in our case what we're talking about
25 is not an absolute no-cut, I want to make this clear

1 from the outset, what we're talking about is areas in
2 which there would be modified cutting, okay. And why I
3 drew this picture here was to show you what a typical
4 skyline reserve might look like in reality.

5 What you have -- how I was able to do
6 this was through a combination of using aerial
7 photography, I believe it was aerial photography and a
8 form of triangulation on the ground called ray mapping
9 where I would identify objects, say a particular tree
10 on a crest line, like we have here, and I would look at
11 it from various points on the lake. And, of course,
12 the definition of a skyline reserve is anything that
13 can be viewed from any location on the lake is
14 considered within the reserve. So you have to go
15 around and check various points on the lake and then do
16 some triangulation and you can form a series of dots
17 and then these dots can be connected up on the air
18 photographs, and then from that information your timber
19 people can go in and set a reserve on the ground.

20 And I've done these both in summertime by
21 boat and canoe and I've also done them in the winter by
22 snowmobile, so I'm familiar with both types of work.

23 And what is interesting to note when you
24 do these things that often you'll certainly have a
25 shoreline reserve and sometimes very narrow in widths,

1 this is sometimes very deep, depending on the nature of
2 the terrain, often you will have other little blips
3 that lie outside, inside the circle, okay.

4 Now, you're probably wondering: Well,
5 how does that occur. Well, I've drawn a picture of a
6 lake and shown you some hills with a hill in the back.
7 So this blip here would represent that hill. Why there
8 is a gap in here is because behind this hill there's an
9 area that is hidden out of view. So what we did in the
10 case of Sherbourne Lake, which was my first one that I
11 did for the Ministry of Natural Resources, is that we
12 very skillfully located the landings in these areas
13 like this and they were outside the skyline reserve,
14 and then we had this very carefully managed cutting
15 inside the skyline reserve and everybody went away
16 happy. They were pleased with the cut, we got very
17 good feedback from our local people.

18 What happened though a little later on is
19 that we were having forest operations on adjacent lands
20 where we had lakes where we had cottages and, of
21 course, cottagers were concerned about the devaluation
22 of the property values with logging, heavy logging
23 immediately adjacent to the cottages and, of course,
24 they had seen what had happened on Sherbourne Lake so
25 they said: Well, why can't that be done for my lake,

1 and that's how we got into this whole round and, as a
2 result, over the years I wound up doing a number of
3 these things.

4 And believe me they really, I think, do
5 reduce conflicts. The results -- that people seem to
6 be pleased about it. We're still able to harvest
7 timber to some degree and we keep -- the aspects of the
8 logging operations tend to bother people,
9 recreationalists and cottagers and that, away from and
10 out of the skyline reserve.

11 The final comment that I'll make is about
12 skyline reserves on rivers. People that are interested
13 in this business want to protect the view of the
14 forests from rivers. One thing that is sometimes
15 missed, and I know that people have noted this, that
16 careful planning has to be given to tributaries coming
17 into rivers when you do this, that these types of
18 things cannot be done in an office sitting looking at
19 aerial photographs, you can not predict that there's
20 nothing. So our technology has not advanced to the
21 point that we can do these without properly laying them
22 out on the waterways themselves.

23 And in this case you can often be
24 surprised as to what the results come out, they can
25 take on peculiar shapes, but if you're serious about

1 wanting -- in the cases where they're wanting to
2 maintain these nice aesthetic viewsapes, you have to
3 give very close attention to these tributary creeks
4 because you can see up them sometimes a long way.

5 And I would suggest that the skyline
6 reserve for a river would also include areas that would
7 run up for some distances on these tributaries and how
8 far they run up depends on the exact location, how the
9 tributary comes into the river, if it's got a sharp
10 crook obviously they're going to be very short; if it's
11 a straight river and a low horizon with some -- or
12 around low areas around here with some high stuff in
13 the back it could go back some distance depending on
14 the situation.

15 So that's all I have to say.

16 MADAM CHAIR: Thank you, Mr. MacDonald.

17 Mr. King.

18 EXAMINATION BY MR. KING:

19 Q. I would like to ask just one question
20 Mr. MacDonald. Can you just tell me how far the
21 existing legislation - with the permission of the
22 Board - how far it's working to protect the kind of
23 program that you've outlined here and the extent that
24 this is in practice?

25 A. Well, I haven't been following it too

1 closely. In my case I was mandated to do these two --
2 this was laid on in the land use plan, we were to do
3 these.

4 What I can tell you is that over the
5 years I have been consulted with regard to how to do
6 them for places like the Mississagi river which is a
7 waterway park and other, I have a lot of queries from
8 other staff who are obviously, for various reasons,
9 considering them. But I'm not familiar with whether
10 there's any policies specifically that that be done.

11 MR. KING: Okay, thank you.

12 MADAM CHAIR: Do you have any questions,
13 Mr. Freidin?

14 MR. FREIDIN: Yes, just a few. I think
15 probably we don't need a little break, unless -- all
16 right.

17 MADAM CHAIR: All right.

18 CROSS-EXAMINATION BY MR. FREIDIN:

19 Q. In terms of queries from staff, this
20 would be staff from outside your particular area of
21 Algonquin Park?

22 A. Yes.

23 Q. And this would be queries from
24 Ministry staff?

25 A. Yes.

1 Q. And can you give me any indication
2 of --

3 A. I can give you some background.

4 Q. Sure.

5 A. In the early 80s I was responsible
6 for training staff in -- we had some provincial
7 workshops and I was one of the instructors and one of
8 the topics that I was asked to do by head office was to
9 how to physically lay these things out on the ground.
10 And so we took large numbers of our Ministry staff and
11 I trained them in the technique of how to do these.

12 Q. Would this be staff from across the
13 area of the undertaking?

14 A. All over the province.

15 Q. And you indicated that you worked at
16 the Frost Centre?

17 A. Yes.

18 Q. For quite a few years.

19 A. 13.

20 Q. And I was just wondering if you could
21 perhaps just provide the Board with a little bit of
22 background as to when that was formed and what the role
23 of that Frost Centre plays, if any, in terms of
24 education either of the public and of MNR staff?

25 A. Well, it was established in 1974 as a

1 result of recommendations of Frost -- Leslie M. Frost
2 former Premier of Ontario when they decided to move the
3 community -- move the old ranger school into the
4 community colleges, they had the facility available and
5 decided that they would carve out a management area,
6 surround it, which is 58,000 acres around the Frost
7 Centre and try and do some innovative creative Crown
8 land management to see if we could come to some sort of
9 common ground, work out some solutions to reduce the
10 conflict between the recreationalists and the timber
11 concerns.

12 And it was set up as an education centre
13 primarily for the purpose to talk about resources,
14 natural resources, their management, use, and it was
15 primarily in its earlier years focused on school groups
16 from the university level, from college and from the
17 high schools and the senior public schools.

18 And I was involved with many programs, I
19 worked quite extensively in the actual management of
20 trails with colleges, like community colleges like Sir
21 Sanford Fleming, where the people that were going
22 through their forestry program, their recreation
23 forestry program in the process of portage construction
24 and all these other matters.

25 Q. Is the public still involved in terms

1 of receiving education?

2 A. Yes, they are, and also the Ministry
3 and Ministry more so in the last -- in the recent past.

4 Q. Can you give me any idea of the
5 number of staff that are involved in the Frost Centre?

6 A. There are at least 40 staff in
7 various capacities. The educational -- I can't give
8 you the number of user days, but it's very high. There
9 has been literally thousands of people go through the
10 Centre.

11 Q. And my last question for you, Mr.
12 Macdonald, is: Can you just advise me, so I can pass
13 it on perhaps, if you know the person, who the
14 innovative forester was who had you go out there and
15 perhaps do it, as you say?

16 A. I was the one who did it.

17 Q. Who was the innovative forester?

18 A. My boss who told me to do it?

19 Q. Yes.

20 A. Bill Hardy who became the district
21 manager in Brockville.

22 MR. FREIDIN: Okay. Those are my
23 questions, thank you.

24 MADAM CHAIR: Thank you, Mr. Freidin.

25 Thank you very much, Mr. MacDonald and

1 Mr. Patterson.

2 ---Witnesses withdraw.

3 MADAM CHAIR: Was there any other
4 business we had to take up today, Mr. King?

5 MR. KING: Yeah. If I could just make a
6 few brief concluding remarks, I'll be less than five
7 minutes and that would be fine.

8 MADAM CHAIR: All right.

9 MR. KING: So I myself would like to
10 especially thank the two witness who have come forward
11 to give a very informative, at least for my part, very
12 informative education on the kind of requirements that
13 are needed to protect the tourism values that is part
14 of Ontario's wilderness heritage.

15 What I would like to suggest in
16 conclusion to the Board is that when they are -- when
17 the time comes for them to write the final report, I
18 would like to suggest a few items from today's evidence
19 that they consider for inclusion in the section that
20 they might call protection of the tourism values.

21 Firstly, as both our witnesses have
22 indicated, viewscape modeling has been very useful and
23 successful in their cases, both in reducing
24 landscape -- in reducing conflict and protecting
25 landscape, and I would like to suggest that viewscape

1 modeling be included as a requirement in areas where
2 there is important tourism.

3 Secondly, prior to the beginning of
4 logging in a specific area, I would like to suggest
5 that the Board consider inserting a requirement to
6 identify all portage routes in an area prior to logging
7 and, secondly, that these portage routes be mandatory,
8 be subject to mandatory protection with a 60-metre
9 buffer.

10 However the issue arises that there may
11 be some portage routes which are not under current use.
12 I respectfully suggest as part of our heritage that
13 these would represent an expansion opportunity for the
14 tourism industry and would be worth protecting
15 regardless of their current state of use.

16 Finally, with regards to portages, a few
17 items which I respectfully suggest the Board might wish
18 to include in their final document, that portage
19 crossings be done at right angles, that grade
20 requirements be met, specifically a ramp, a 20-metre
21 gravel slope, that the canopy be maintained as a
22 requirement, and that the roads be curved as it enters
23 and leaves the previously indicated, the 60-metre
24 buffer zone.

25 And as a final point for inclusion of

1 Board, I would like to suggest for the Board's
2 recommendation that all campsites in areas that have
3 tourism -- recognized tourism values have a mandatory
4 90-metre buffer along -- in that zone for sanitation
5 and for firewood purposes as indicated by the
6 witnesses.

7 So in conclusion I would like to give
8 special thanks to the Board and all the MNR and other
9 parties and wish the Board the very best of good luck
10 in continuing this very important task.

11 MADAM CHAIR: Thank you, Mr. King. And
12 our appreciation to Mr. Patterson and Mr. MacDonald for
13 travelling some distance and preparing your
14 presentations for the Board. We appreciate your hard
15 work very much.

16 And with that we will conclude today's
17 session and as you know this is our last day of
18 evidence and we will be reconvening in October to hear
19 final argument.

20 Thank you very much.

21 ---Whereupon the hearing was adjourned at 3:15 p.m.
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24

25 BD [C. copyright 1985].



